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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/215,951	12/18/1998	JOSEPH P. FELL	659/489	1434

757 7590 03/11/2004

GENERAL NUMBER 00757  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/11/2004

37

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Applicati n N .

09/215,951

Applicant(s)

FELL ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

**--The MAILING DATE of this communicati n appears on the cover sh et with the c rrespondence address--**

The Appeal Brief filed on 23 June 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

As pointed out in paper #33, mailed January 9, 2004, the attached appendix of claims in the appeal brief, paper #29, filed June 23, 2003, is not consistent with the prior amendments of paper #10, filed September 29, 2000, re: claims 8-12, 14-18 and 50. Correction is required.

AS  
2/6/04

Art Unit: 1772

## OFFICE LETTER

### *Information Disclosure Statement*

1. The information disclosure statement filed December 27, 2000 has been received and considered but will not be relied upon for prior art. All of the rejections of record are maintained for reasons of record in the Final Office Action mailed October 21, 2002. The finality and statutory period for response of the Notification of Non-compliance with 37 CFR 1.192(c) are still maintained. Copies of the Information Disclosure Statement, PTO-1449, paper no. 12, have been attached to this letter.

### *Conclusion*

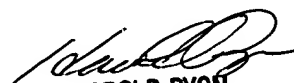
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

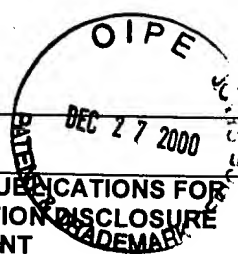
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2/6/04



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

2/6/04



FORM PTO-1449	SERIAL NO. 09/215,951	CASE NO. 659/489
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE December 18, 1998	GROUP ART UNIT 1772
(use several sheets if necessary)		APPLICANT(S): Fell et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
<i>AE</i>	C1	5,135,522	08/04/92	Fahrenkrug et al.	604/385.1
	C2	5,695,488	12/09/97	Sosalla	604/385.2

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO
EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)				
<i>AE</i>	C3	PCT Written Opinion; 10/26/00 659-558			
EXAMINER -	<i>Alison Chevalier</i>		DATE CONSIDERED <i>4/6/04</i>		

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EXAMINER <i>Alison Chevalier</i>	DATE CONSIDERED <i>4/6/04</i>
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.